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MANUAL 900-1

SECTION 02.8

WORK PERMITS

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BUREAU OF MANAGEMENT ANALYSIS AND PROJECTS

## 1. Purpose

The purpose of this procedure is to ensure consistency with respect to the review and issuance of work permits on property under the jurisdiction of the New York State Canal Corporation (Corporation).

## 2. Applicable Law and/or Guidance

New York State Canal Law §§6, 10, 86, 100

New York State Canal Recreationway Plan

Canal Real Property Management Policy (25-6-01C)

21 NYCRR §156 Revocable Permits

## 3. Introduction

The Corporation is responsible for the maintenance, operation, construction, reconstruction, improvement, development, financing and promotion of the Canal System and for implementation of the New York State Canal Recreationway Plan (CRP). In accordance with the provisions of the Canal Law, the Corporation has the authority to acquire, hold and dispose of real property to advance the purposes of the Corporation and thus, the interest of the State. Real property transactions (transactions) include, but are not limited to, acquisitions, sales, leases, grants of easement, and the issuance of permits.

Permits are used for transactions where the real property is needed for Corporation purposes and the real property has not been declared surplus to the Corporation's needs but can be temporarily used on a revocable basis. Permits are used for transactions where the real property may need to be available for future Corporation or public purposes. Permits are revocable and used for transactions where the real property needs to be available upon demand for Corporation purposes. Permits are not considered disposals under the Public Authorities Accountability Act of 2005 as there is not a transfer of interest in the real property.

Examples of activities for which a work permit may be issued include:

- Work by a permittee/lessee on real property under an existing occupancy permit/lease.

- Work to be performed by contractors, State Agencies, municipalities or individuals for construction, maintenance, inspection, survey, or any other type of short term work on real property/waters under the jurisdiction of the Corporation and an occupancy permit or disposal is not contemplated.

Work permits shall not be issued in advance of a contemplated occupancy permit or disposal, unless approved by the Executive Director, except in situations described in WORK PERMIT EXCEPTIONS<sup>1</sup>.

When a work permit is requested in advance of a contemplated occupancy permit or disposal, the Division Canal Engineer should consult with the Office of Land Management (OLM).

#### **4. Procedure**

##### **4.1. Procedure for Processing and Issuing a Work Permit**

- 4.1.1. Upon receipt of an inquiry for a work permit for use of real property under the jurisdiction of the Corporation, the Division Permit Engineer (DPE) will record the inquiry and send out the application package. The WORK PERMIT CHECKLIST<sup>2</sup> contains a list of information required.
- 4.1.2. Upon receipt of the application package, the Division Secretary will enter the application into Permits Plus to generate a work permit number, forward the application fee to the Credit and Collections Unit, and send a receipt to the applicant. The Credit and Collections Unit will deposit the funds and note the receipt of the funds in Permits Plus.
- 4.1.3. The DPE will verify that the application is complete. If the application is incomplete, the DPE will send a MISSING DOCUMENT LETTER<sup>3</sup> to the applicant requesting any missing documents. Once the application is complete, the DPE will indicate this in Permits Plus.

1 Exhibit 7

2 Exhibit 1

3 Exhibit 2

- 4.1.4. The DCE will review and approve/disapprove the work permit application. If rejected, the procedure would stop here and the DCE will send a REJECTION LETTER<sup>1</sup> to the applicant.
- 4.1.5. If approved, the DPE, in consultation with the DCE, will set work permit fees based on the applicable fee rate schedule. If there is no fee schedule, the DPE will contact OLM who will coordinate the determination of the appropriate fee.
- 4.1.6. The DCE will approve and sign the permit. The DPE will send a WORK PERMIT COVER LETTER<sup>2</sup> and a valid permit to the applicant.
- 4.1.7. If fees are required upon completion of the work, the DPE will send a WORK PERMIT FEE LETTER<sup>3</sup> to the applicant. Upon receipt of the fees the DPE will send a receipt to the applicant and forward the check to the Credit and Collections Unit. The Credit and Collections Unit will deposit the funds and indicate on Permits Plus that the work permit fees have been paid.

#### **4.2. Conducting Additional Oversight of Work**

- 4.2.1. The DPE will conduct on-site inspection of work, if necessary, based upon the type of work being conducted.
- 4.2.2. If violations of the work permit are found, the DPE will refer the matter to OLM for enforcement in accordance with SOP-PERMIT AND LEASE ENFORCEMENT (900-1-02.9). In some cases where there is a threat to public health or the environment or other emergency circumstances, as determined at the discretion of the DPE, the permittee will be required to resolve the issue immediately.
- 4.2.3. If necessary the DPE will conduct a final site visit to determine if work was done pursuant to the terms of the permit. If work was done pursuant to the terms of the permit, then the DPE will note this and change the status of the permit to “closed” in the Project Record and Permits Plus.

1 Exhibit 3

2 Exhibit 4

3 Exhibit 5

- 4.2.4. If the work is incomplete and the permit has expired, the applicant may request an extension. Upon submission of the required fees, the DPE may amend and extend the permit and send a PERMIT AMENDMENT LETTER<sup>+</sup> to the permittee.
- 4.2.5. If work is not completed or not in compliance with permit requirements, then the DPE will notify the applicant and attempt to resolve the issue(s). If the applicant is not responsive, the DPE will refer the issue to OLM for enforcement in accordance with SOP-PERMIT AND LEASE ENFORCEMENT (900-1-02.9).
- 4.2.6. The DPE will notify the Bureau of Real Property Management (BRPM) and OLM if any related lease or use and occupancy permit needs modification based on the work completed.

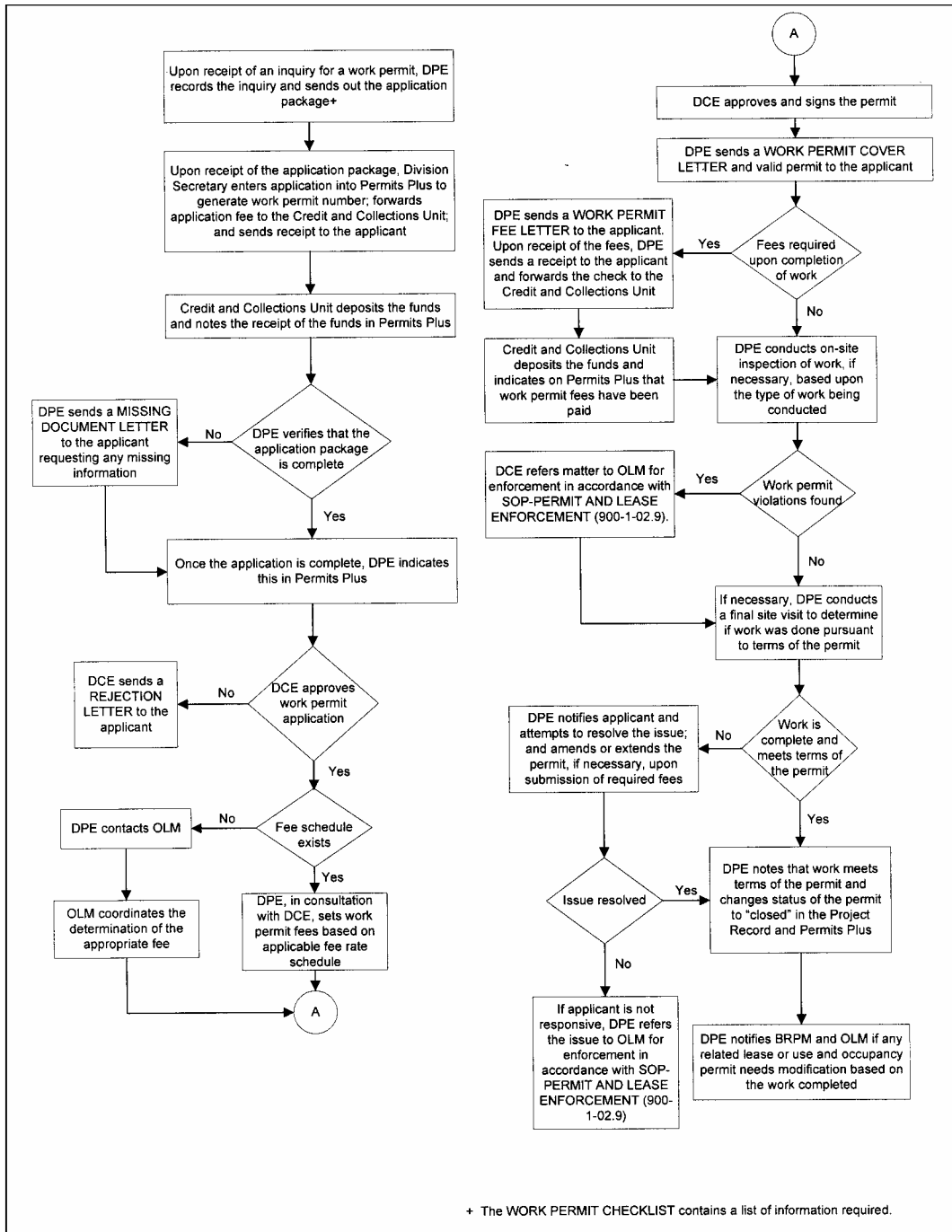
## **5. Responsibilities**

The DPE will coordinate the review and processing of a work permit application, in consultation with the DCE as needed.

The Division Secretary will enter application into Permits Plus.

The Credit and Collections Unit will post fee payments and note on Permits Plus when fees are received.

6. Flowchart



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EXHIBIT 1  
WORK PERMIT CHECKLIST

The checklist describes what information is needed with the application.

NEW YORK STATE CANAL CORPORATION  
INSTRUCTIONS TO APPLICANTS FOR CANAL PERMITS

An applicant requesting a Canal Permit for the occupation of Canal owned lands or any activities in/on the waters of the New York State Canal System must provide the following as indicated (X):

- Canal Permit Application (FORM TA-W99072).
  - Proof of Liability Insurance Coverage (Commercial):  
ACORD 25 (2001/08) - Certificate of Liability Insurance along with the Attached Supplemental Insurance Certificate (FORM TA-W51343-9). Please submit proof of commercial general liability coverage in the amount of \$1,000,000 each occurrence/\$2,000,000 general aggregate.
  - Proof of Liability Insurance Coverage (Residential/Agricultural):  
The Canal Corporation requires liability insurance coverage in the amount of \$ 300,000. The accepted form of proof is an insurance rider or a Standard Acord Form showing the amount of coverage and naming the "People of the State of New York, the New York State Canal Corporation and the New York State Thruway Authority" as the additional insured.
  - New York State Thruway Authority/Canal Corporation Statement of Self-Insurance.
  - Maps, plans and specifications detailing the proposed use of Canal lands/waters/vessels/facilities. Please provide \_\_\_ sets of plans and specifications. (For a private residential dock, a hand drawn sketch of the dock showing the dimensions, anchoring system, floatation and construction materials is sufficient).
  - A location map and identifying information so that a Canal Corporation representative can locate the area to be permitted.
  - Description of operation, including goods to be sold/rented, hours of operation, etc.
  - Dimension of vessel(s) to be stored, any special requirements pertaining to the use of the dry dock facility and detail description of work to be performed on vessel(s)
  - Copy of deed/survey and proof of ownership to the property adjacent to New York State Canal Land/Water to be permitted.
  - Permit Fee: A non-refundable application fee of \$ 25.00 must be submitted by check or money with application.
  - Performance Bond in the amount of \$ \_\_\_\_\_ issued by a Surety Company licensed to do business in the State of New York.
  - Copies of U.S. Army Corp. of Engineers Permit and/or NYS Department of Environmental Conservation Permit.
  - Copy of State Historical Preservation Office approval.
  - Appendix C - State Environmental Quality Review - Short Environmental Assessment Form Part I-Project Information. Please fill out and return with your Canal Permit application.
- All contractors/subcontractors that will be occupying NYSCC lands shall be require to provide proof of insurance to indemnify and save harmless the Thruway Authority/Canal Corporation, its officers or employees from any and all liability, claims, demands and recoveries arising out of the negligence or use of the property.
- Permittee is responsible for obtaining all required permits from federal, state and local agencies.

NO OCCUPATION ON CANAL LANDS PURSUANT TO THIS APPLICATION SHALL COMMENCE UNTIL THE NEW YORK STATE CANAL CORPORATION ISSUES A PERMIT.

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EXHIBIT 2  
MISSING DOCUMENT LETTER

This letter will be sent to an applicant when information is missing from the application.

Date

Name  
Address  
City, State, Zip

Re: <Location and description of property>  
Project Reference Number:

Dear < insert name >:

Thank you for your interest in the property at the above referenced location. Your application cannot be progressed until we receive the following missing documents:

<Insert appropriate text based on the documents that are missing>

Please send documents to:

Name  
Title  
Address

Failure to send these required documents will result in your application being rejected.

Should you have any questions, I can be reached at <insert phone number>.

Sincerely,

Name  
Title

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EXHIBIT 3  
REJECTION LETTER

This letter will be sent to the applicant if the application is rejected.

< insert date >

Name  
Address  
City, State, Zip

Re: **DOCK/LAND PERMIT REQUEST  
HUDSON RIVER - TOWN OF EASTON**

Dear < insert name >:

The New York State Canal Corporation (NYSCC) has received and carefully reviewed your request to use NYSCC lands and to place a dock in the waters of the Hudson River (Champlain Canal) adjacent to your residence in the Town of Easton.

Enclosed for your reference please find an aerial photograph showing the navigation channel and your proposed dock location as indicated on your permit application. As you can see in the photo, the easterly edge of the channel, marked by buoy 146, is approximately 30 feet from the shore. NYSCC Dock Regulation state that a dock shall be offset a minimum of 50 feet from the edge of the navigation channel. The proximity of the channel to the shore at this location would preclude the placement of a dock along this shoreline, therefore your request as received is denied.

If you have any questions or wish to discuss this matter in further detail, please do not hesitate to contact me at < insert number >.

Very truly yours,

Name  
Division Canals  
Land Management

Enc.

cc:

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EXHIBIT 4  
WORK PERMIT COVER LETTER

This letter will be sent to the applicant with a permit.

< insert date >

Name  
Address  
City, State, Zip

Re: CANAL WORK PERMIT No.  
< insert number >

Dear < insert name >:

Enclosed is your validated Canal Work Permit granting you permission for the following:

< insert reason for issuing permit >

Please carefully review the conditions and regulations section of the permit and keep this permit in a place readily available until all work is completed.

When work is completed, please contact this office at < insert phone number >.

Very truly yours,

Name  
Division Canals  
Division Permit Engineer

Enc.

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EXHIBIT 5  
WORK PERMIT FEE LETTER  
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This letter will be sent to the applicant when additional fees are required.

June 28, 2006

JOE THE BOATMAN  
427 RIVER ST  
WATERTOWN, NY 12345

Re: **CANAL PERMIT No. C2W050033**  
**EXPIRATION DATE EXTENSION - INVOICE**

Dear Mr. Boatman:

This letter is to inform you that the expiration date of the referenced permit has been extended to **05/01/06** to allow for the occupation of the dewatered canal in Waterford for the winter storage of a 165 foot barge.

The enclosed invoice covers the winter occupation @ \$10/ft and the \$25.00 extension fee. Please be advised that occupation beyond 05/01/06 will result in additional chargers.

If you have any questions, please contact me at (518) 471-5033.

Very truly yours,

Land Management  
Division Canals

Enc.

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WORK PERMIT FEE LETTER  
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New York State Canal Corporation  
P.O. Box 22058  
Albany, New York 12201-22058  
**INVOICE**

TO: JOE THE BOATMAN  
427 RIVER ST  
WATERTOWN, NY 12345

INVOICE DATE: June 28, 2006

RE: Permit No. C2W050033

Date	Description	Amount
2/20/06	Permit Extension fee	25.00
11/16/05– 5/1/06	Non-Nav. Storage of a 165 ft barge @ \$10/ft/season	1650.00
<b>TOTAL DUE:</b>		<b>\$1675.00</b>

RETURN THIS PORTION WITH YOUR PAYMENT

NYS Canal Corporation – P.O. Box 22058 – Albany, NY 12201-2058

INVOICE

Permit No. C2W050033

JOE THE BOATMAN  
427 RIVER ST  
WATERTOWN, NY 12345

Invoice Date: June 28, 2006

Total Amount Enclosed: \$ \_\_\_\_\_

Make checks payable to: *NYS Canal Corporation*

THANK YOU

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EXHIBIT 6  
PERMIT AMENDMENT LETTER

This letter would be sent by the DPE to the permittee when a permit is amended.

< insert date >

Name of Company/Permittee  
Address  
City, State, Zip

**AMENDMENT No. XX TO REVOCABLE PERMIT No. CXWXXXXXX**

Dear < insert name >:

Revocable Canal Work Permit No. CXWXXXXXX was issued to COMPANY on ISSUE DATE, granting permission to FILL IN PURPOSE OF ORIGINAL PERMIT ACTION. A request to amend subject Permit has been received to extend the expiration date to XX/XX/XXXX as originally requested per application dated XX/XX/XXXX.

This amendment has been approved by this office, as recommended by the A/B/S Division Canal Engineer with the following special conditions:

Amendment No. 1 to Revocable Permit No. is hereby granted, giving COMPANY permission to perform work as defined in the above paragraph. All conditions/restrictions of the original permit and as amended, shall apply, and this amendment shall be attached to and become a part of Revocable Permit No. CXWXXXXXX.

Amendment fee is \$25.00 payable by check or money order to the New York State Canal Corporation.

Sincerely yours,

Name  
Division Permit Engineer

cc (w/o enc):



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EXHIBIT 7  
WORK PERMIT EXCEPTIONS

List of situations where a work permit may be issued in advance of a contemplated occupancy permit or disposal.

 <p><b>EXECUTIVE INSTRUCTION</b></p> <p>FROM:  EXECUTIVE DIRECTOR</p> <p>DATE: 9/11/06</p>	<p>NUMBER: 2006-19</p> <p>SUBJECT: <b>ISSUING A WORK PERMIT FOR PRELIMINARY PLANNING PURPOSES IN ADVANCE OF A CONTEMPLATED OCCUPANCY PERMIT OR DISPOSAL OF REAL PROPERTY</b></p>
	<p>DISTRIBUTION: See Below</p>

The Thruway Authority and Canal Corporation (Authority/Corporation) Real Property Management Policies require the approval of the Executive Director if a work permit is to be issued in advance of a contemplated occupancy permit or disposal of real property. The intent of this requirement is to insure that a work permit not be issued "in lieu of" a contemplated occupancy permit or disposal and that actual improvements or construction work not be allowed to progress in advance of a contemplated occupancy permit or disposal.

However, as a practical matter, there are some instances when preliminary planning work such as site inspections, surveys, environmental testing, soil borings, etc. is necessary for preparation of materials to be submitted as part of the application package for an occupancy permit or disposal. Such materials are needed to assist the Authority/Corporation in determining if the applied for occupancy permit should be granted or if the disposal should be progressed. These activities would require the issuance of a work permit and it would be appropriate in these instances to issue the work permit in advance of the contemplated occupancy permit or disposal.

Therefore, I am authorizing Divisions to issue work permits in advance of contemplated occupancy permits or disposals in those situations when preliminary planning work such as that listed above is necessary, and will ultimately assist the Authority/Corporation in making a determination whether the proposed use should be granted, or the proposed disposal be progressed. Questions related to this authorization should be directed to the Headquarters Permit Coordinator at ext. 2797 for Thruway work permits, and the Director of the Office of Land Management at ext. 4431 for Canal work permits.